

**BOARD OF PAROLE HEARINGS**  
**En Banc Decisions**  
**Tuesday, May 19, 2015**

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<b>FRAGOSA, BRUCE</b>	<b>B-30394</b>	<b>Penal Code 1170(e)</b>
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**Motion:** Refer to the Division of Correctional Health Care Services for clarification regarding the extent of Mr. Fragosa's recent medical improvement which calls into question the degree of his paralysis and therefore his mobility, which is relevant to a determination of his current dangerousness. Also, the board requests further information regarding the onset of his medical decline.

Motion by: **Peck**  
Second by: **Labahn**  
Not Present: **Anderson**  
Abstained:

**Decision:** Motion approved by a majority of commissioners present.

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<b>VILLACRES, CHARLES</b>	<b>H-00324</b>	<b>Penal Code 1170(e)</b>
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**Motion:** Decline to recommend to the court that the inmate's sentence be recalled or the inmate be resentenced based on a finding that the inmate poses a current risk of danger to public safety because of his lack of substance abuse programming coupled with his continued ability to ambulate and perform all activities of daily living without assistance.

Motion by: **Labahn**  
Second by: **Garner**  
Not Present: **Anderson**  
Abstained:

**Decision:** Motion approved by a majority of commissioners present.

**Motion:** Affirm the February 4, 2015, denial of parole, and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.

Motion by: **Singh**

Second by: **Roberts**

Not Present: **Anderson**

Abstained:

**Decision:** Motion approved by a majority of commissioners present.

**Motion:** Affirm the February 25, 2015, denial of parole and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.

Motion by: **Peck**

Second by: **Turner**

Not Present: **Anderson**

Abstained:

**Decision:** Motion approved by a majority of commissioners present.

**Motion:** Affirm the February 13, 2015, denial of parole, and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.

Motion by: **Richardson**

Second by: **Montes**

Not Present: **Anderson**

Abstained:

**Decision:** Motion approved by a majority of commissioners present.

**Motion:** Vacate the panel's January 23, 2015, decision to grant parole and schedule a new hearing based on new information regarding the inmate's psychiatric condition and unwillingness to take prescribed medications.

Motion by: **Peck**

Second by: **Garner**

Not Present: **Anderson**

Abstained:

**Decision:** Motion approved by a majority of commissioners present.

**Motion:** Affirm the February 10, 2015, denial of parole, and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.

Motion by: **Roberts**

Second by: **Fritz**

Not Present: **Anderson**

Abstained:

**Decision:** Motion approved by a majority of commissioners present.

**Motion:** Affirm the panel's January 14, 2015, decision to grant parole based on a finding that the inmate no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Peck**

Second by: **Roberts**

Not Present: **Anderson**

Abstained:

**Decision:** Motion approved by a majority of commissioners present.

**Motion:** Refer Mr. Davis's application for pardon to the Governor with a favorable recommendation for consideration by the Supreme Court.

Motion by: **Roberts**

Second by: **Labahn**

Not Present: **Anderson**

Abstained:

**Decision:** Motion approved by a majority of commissioners present.